

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27359 PERMIT 20011 LICENSE

ORDER APPROVING
A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT

WHEREAS:

1. Permit 20011 was issued to Jim L. Moon and Lorraine Moon on February 9, 1987 pursuant to Application 27359.
2. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

December 31, 1992

(0000008)

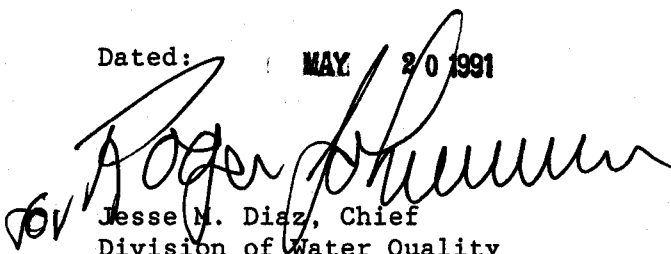
2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1995

(0000009)

Dated: **MAY 20 1991**


Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20011Application 27359 of Jim L. Moon and Lorraine Moon1299 Duhig Road, Napa, California 94558filed on June 10, 1982, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) Huichica CreekHudeman Slough(2) Unnamed StreamHuichica Creek

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
<u>Huichica Creek</u>					
(1) <u>North 1,900 feet and West 2,200</u> <u>feet from SE corner of projected</u> <u>Section 25</u>	<u>NW$\frac{1}{2}$ of SE$\frac{1}{2}$</u>	<u>25</u>	<u>5N</u>	<u>5W</u>	<u>MD</u>
<u>Unnamed Reservoir</u>					
(2) <u>North 1,650 feet and West 1,950</u> <u>feet from SE corner of projected</u> <u>Section 25</u>	<u>NW$\frac{1}{2}$ of SE$\frac{1}{2}$</u>	<u>25</u>	<u>5N</u>	<u>5W</u>	<u>MD</u>

County of Napa

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridan	Acres
<u>Fire Protection</u>						
<u>Recreation</u>						
<u>Stockwatering</u>						
<u>Irrigation</u>						
<u>Frost Protection</u>	<u>N$\frac{1}{2}$ of SE$\frac{1}{2}$</u>	<u>25</u>	<u>5N</u>	<u>5W</u>	<u>MD</u>	<u>10</u>

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 10 acre-feet per annum to be collected from November 15 of each year to April 30 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (0000005)

The maximum rate of diversion to offstream storage shall not exceed 0.2 cubic foot per second. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 1, 1989. (0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1990. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipe to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that an outlet pipe has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

15. For the protection of fish and wildlife in Huichica Creek, permittee shall during the period:

(a) from November 15 through November 30 bypass a minimum of 2 cubic feet per second, (b) from December 1 through February 29 bypass a minimum of 10 cubic feet per second, (c) from March 1 through April 30 bypass a minimum of 2 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated amount. (0140060)

16. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the flows required by the conditions of this permit. Said measuring device shall be properly maintained. (0060062)

17. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until permittee has entered into a stream or lake alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

18. The diversion from Huichica Creek shall be either by an offset well or a streambed collector system placed at least six feet below the natural streambed. The streambed collector system and a streamflow measuring device are the only structures authorized within the stream channel. (0000999)

19. Permittee shall allow a designated representative of Buena Vista Winery, Inc., reasonable access to the reservoir area for the purpose of water supply inspection. (0000011)
(0000300)

20. The State Water Resources Control Board reserves jurisdiction over this permit to impose further conditions for the protection of fish and other aquatic species should an investigation by the California Department of Fish and Game indicate that the authorized diversion adversely impacts such species. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0400600)

21. Diversion under this permit is specifically subject to the prior rights of: (1) Buena Vista Winery, Inc. under licensed Application 23240 and permitted Application 24278, (2) Beaulieu Vineyards under permitted Applications 24395A and 24395B, and (3) Beckstoffer Ranches, Inc. under permitted Applications 25935A and 25935B. (000T001)
(0000300)

22. For the protection of water quality the permittee shall:

- (1) Complete construction between July 1 and October 15.
- (2) Not allow any material from construction work to be deposited where it can be eroded and carried into Huichica Creek by flood waters or surface runoff.
- (3) Stabilize all disturbed soil to prevent erosion.
- (4) Not remove any riparian vegetation unless absolutely necessary.
- (5) Not discharge any construction material or waste into Huichica Creek. (0400500)
(0400700)

23. The State Water Resources Control Board reserves jurisdiction to impose conditions to conform this permit to Board policy on use of water for frost protection. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0000020)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: FEBRUARY 9 1987

STATE WATER RESOURCES CONTROL BOARD

Lloyd Johnson
for Chief, Division of Water Rights